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Paper No. 7

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AUG 02 2002

OFFICE OF PETITIONS

In re Application of
Thomas A. Koes
Application No. 09/995,880
Filed: November 29, 2001
Attorney Docket No. 50884

DECISION GRANTING
PETITION

This is a decision on the petition filed July 23, 2002, requesting that the above-identified application be accorded a filing date of November 28, 2001, rather than the presently accorded date of November 29, 2001. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on November 28, 2001. In support, the petition is accompanied by a copy of Express Mail receipt # ET75554119US (the same Express Mail number found on the original application papers located in the official file) showing a "date in" of November 28, 2001. The original Express Mail envelope that contained the application papers is now present in the application file. It is noted that the label matches that of petitioner's receipt but does not contain any information regarding the "date-in." However, the envelope is clearly post-marked by the USPS on November 28, 2001.

In view of the above, the petition is **GRANTED**.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of November 28, 2001**. Thereafter, the application file will be forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy